

RESOLUTION ADOPTING A LOCAL LAW AMENDING VILLAGE CODE §300-11.23(A) & (D) AND §300-15.2(A) TO CHANGE THE REVIEWING AUTHORITY FOR SPECIAL EXCEPTION PERMITS IN THE WATERFRONT OVERLAY DISTRICT FROM THE VILLAGE BOARD TO THE PLANNING BOARD

WHEREAS, the Village Board of the Village of Sag Harbor seeks to enact a local law amending the reviewing authority for special exception permit review for buildings or structures over 3,500 square feet within the Waterfront Overlay District from the Village Board of Trustees to the Planning Board; and

WHEREAS, in furtherance of this goal, the Board of Trustees is considering enacting a local law amending Village Code §§300-11.23(A) & (D) and 300-15.2(A), therefore be it

WHEREAS, a public hearing was held on Tuesday, September 12, 2023, at which time all persons either for or against the proposed local law were heard; and

WHEREAS, the Village of Sag Harbor and the Village of Sag Harbor Planning Consultant, Nelson Pope & Voorhis determined that the proposed action is Type II Action requiring no further environmental review; and

WHEREAS, the Suffolk County Planning Commission by letter dated August 21, 2023, determined that the proposed legislation is a matter for local determination; and the now therefore be it

RESOLVED, that the following local law is hereby adopted:

LOCAL LAW NO. 7 OF 2023

Be it enacted by the Village Board of Trustees of the Village of Sag Harbor as follows:

A LOCAL LAW amending Village Code §§300-11.23(A) & (D) and 300-15.2(A) to change the reviewing authority from the Village Board of Trustees to the Planning Board.

SECTION 1. Amendment. Please see the following and amend Village Code §300-15.2(A) Supplemental use and dimensional regulations, by deleting those words that are stricken and adding those words that are underlined:

§ 300-15.2 Permitted and special exception uses.

A.

Buildings or structures over 3,500 square feet in gross floor area within the WFOD shall be required to obtain a special exception permit from the ~~Village Board of Trustees~~ Village Planning Board pursuant to Village Code § **300-11.23**.

SECTION 2. Amendment. Please see the following and amend Village Code §300-11.23(A) and (D) by deleting those words that are stricken and adding those words that are underlined:

§ 300-11.23. Uses or structures greater than 3,500 square feet of gross floor area in the Waterfront Overlay District.

[Added 1-11-2022 by L.L. No. 1-2022]

A.

The ~~Village Board of Trustees~~ Planning Board is hereby authorized to review special exception use permit applications submitted pursuant to this section as set forth herein. Single family residential dwellings, accessory structures and uses located in the R-20 Zoning District are exempt from special exception permit review in Village Code § **300-11.23**.

D.

The ~~Village Board of Trustees~~ Planning Board shall determine whether the proposed use is consistent with the Village Comprehensive Plan, WFOD standards and whether it will have an undue adverse impact on other properties or current uses within the WFOD and community. In making such a determination, the ~~Village Board~~ Planning Board shall consider and apply the following standards:

SECTION 3. Authority.

The Village of Sag Harbor hereby enacts this legislation pursuant to NYS Village Law Article 7.

SECTION 4. Severability.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder of this local law but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law that shall be directly involved in the controversy in which such judgment shall be rendered.

SECTION 5. Effective Date.

This chapter shall take effect immediately upon filing in the office of the Secretary of State pursuant to the Municipal Home Rule Law.